



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

LCC:ddj

Docket No: 6291-99

29 August 2000

[REDACTED]

Dear MRS [REDACTED]

This is in reference to your application for correction of your late husband's naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 29 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your late husband's naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by CMC memorandum 1412/2 MMRP of 20 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
MANPOWER AND RESERVE AFFAIRS DEPARTMENT
HARRY LEE HALL, 17 LEJEUNE ROAD
QUANTICO, VIRGINIA 22134-5104

IN REPLY REFER TO:
141272
MMPR
JUL 20 2000

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS

Subj: BCNR APPLICATION IN THE CASE OF [REDACTED]

1. The Performance Evaluation Review Board requested an advisory opinion in the case of Mrs. [REDACTED]. Mrs. [REDACTED] is requesting a determination of her husband's, [REDACTED] 229 07 5530, rank upon discharge from active-duty 3 May 1946.

2. The following facts are germane to this case:

a. [REDACTED] was brought on active duty as an enlisted Marine for World War Two. He was made a Master Technical Sergeant with a date of rank of 1 Sep 1943.

b. Master Technical Sergeant [REDACTED] was temporarily appointed to first lieutenant in accordance with the Temporary Appointment Act of 1941. At the end of World War Two, his temporary appointment was terminated and he was reverted to his enlisted grade. He was separated from active-duty as a Master Technical Sergeant on 3 May 1946.

c. He was appointed a first lieutenant in the Marine Corps Reserve on 18 September 1946, with a date of rank of 31 May 1945. He was subsequently promoted to captain in the Marine Corps Reserve on 18 September 1951, with a date of rank of 1 January 1951.

d. Captain [REDACTED] was discharged from the Marine Corps Reserve on 8 April 1958, according to his medical records.

3. Captain [REDACTED] was properly discharged from active-duty on 3 May 1946 as a Master Technical Sergeant. His appointment as a first lieutenant was effected on 18 September 1946, following his discharge from active-duty

4. The point of contact in this matter is Captain [REDACTED] at (703) 784-9703.

[REDACTED]
By direction